The Minutes

October 16, 2000

MISC. ORDER 2000-07

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the court on October 17, 2000, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C024576

PLANNING AND CONSERVATION LEAGUE et al. v. DEPARTMENT OF WATER RESOURCES et al. (Certified for Publication)

It is ordered that the opinion filed herein on September 15, 2000, be modified as follows:

. .

There is no change in the judgment.

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.

Raye, J.

Hull, J.

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Raye, Associate Justice; Hull, Associate Justice; and Rios, Bailiff. Calendar called.

C030185

REISS et al. v. SNIDER et al. and EYTAN

Cause called. Mattaniah Eytan argued for appellants. Robert B. Sternfels argued for respondents. Cause submitted.

At 9:50 a.m., court recessed. At 9:54 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Callahan.

C033478

BAHRE et al. v. SICROFF

Cause called. Randall L. Wiens argued for appellant Jett. Steven A. Lewis argued for appellant Bahre. Daniel P. Whaley argued for respondent. Cause submitted.

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October 16, 2000 Continued

At 10:15 a.m., court recessed. At 10:20 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Callahan, and Associate Justice Hull.

C030809 WHITTLESEY v. AIELLO and THOMSON

Cause called. James L. Pierce argued for appellant Thomson. Timothy H. Stearns argued for appellant Aiello. Richard L. Kimbell argued for respondent. Cause submitted.

At 10:42 a.m., court recessed. At 10:50 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Callahan.

C031359 WHITMORE UNION ELEMENTARY SCHOOL DISTRICT v. COUNTY OF SHASTA et al.

Cause called. Clyde Small argued for appellant. Kenneth C. Mennemeier argued for respondents. Kelcie M. Gosling appeared for respondents but did not argue. Respondent's supplemental letter brief is due on November 6, 2000. Appellant's brief is due 20 days thereafter. Submission deferred.

At 11:41 a.m. court recessed until Tuesday, October 17, 2000, at 9:30 a.m.

C033598 THE PEOPLE v. MARTINEZ

(Not for Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: Raye, J.

Morrison, J.

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October 17, 2000

At 9:27 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Raye, Acting Presiding Justice; Morrison, Associate Justice; Callahan, Associate Justice; and Castillo, Bailiff. Calendar called.

C032706 THE PEOPLE v. SCHWERIN

Cause called. Susan D. Shors, court appointed counsel, argued for appellant. Robert M. Morgester, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:47 a.m., court recessed. At 9:53 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Hull.

C033000 THE PEOPLE v. SAECHAO

Cause called. Susan D. Shors, court appointed counsel, argued for appellant with additional citations. Mark A. Johnson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:16 a.m., court recessed. At 1:58 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Nicholson, and Associate Justice Morrison.

C031115 FRIENDS OF PLACER COUNTY COMMUNITIES etc., et al. v. COUNTY OF PLACER (AUBURN-49 ASSOCIATES)

Cause called. Jeffrey F. Bordelon argued for appellant. William D. Kopper argued for respondents. Cause submitted.

At 2:56 p.m., court recessed. At 3:00 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Morrison.

C034608 ESTATE OF FIRCH, DECEASED; THE PARKINSONS INSTITUTE v. COSENS

Cause called. Kathleen O'Reilly argued for appellant. Raphael S. Moore argued for respondent. Cause submitted.

At 3:28 p.m., court recessed until Wednesday, October 18, 2000, at 9:30 a.m.

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October 17, 2000 Continued

C030992 THE PEOPLE v. BLACKMON (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Davis, Acting P.J.

Raye, J.

C031534 Guardianship of the Person and Estate of JEFFREY M.; MASON v.

MASON (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Davis, Acting P.J.

Hull, J.

C033312 In re STEVEN W.; THE PEOPLE v. STEVEN W.

(Not for Publication)

The judgment is affirmed.

BLEASE, J.

We concur: Scotland, P.J.

Hull, J.

C031484 MAVIN INCOME FUND, LTD. v. CHANG et al.

(Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

I concur: Hull, J. I concur in the result:

Raye, J.

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October 18, 2000

At 9:31 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Davis, Acting Presiding Justice; Callahan, Associate Justice; Kolkey, Associate Justice; and Castillo, Bailiff. Calendar called.

C031842 MACHADO-MILLER v. MERSEREAU & SHANNON

Cause called. Stephen P. Acquisto argued for appellant. Kenneth C. Mennemeier appeared for appellant but did not argue. Kenneth E. Bacon argued for respondent. Cause submitted.

At 10:13 a.m., court recessed until Friday, October 20, 2000, at 9:30 a.m.

C030784 THE PEOPLE v. CARAIG (Not for Publication)

The judgment is affirmed. SCOTLAND, P.J.

We concur: Blease, J.

Davis, J.

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October 19, 2000

C034230 EATON v. RICE

(Not for Publication)

The judgment is reversed. Respondent shall pay appellant's costs on appeal.

BLEASE, Acting P.J.

We concur: Davis, J.

Morrison, J.

C024045 ETCHEVERRY et al. v. TRI-AG SERVICE, INC. et al.

(Not for Publication)

The judgment is reversed as to Bayer on plaintiffs' misrepresentation cause of action. The judgment is reversed as to Osterlie and Tri-Ag as to the negligence and negligence per-se causes of action. Summary adjudication of all other causes of action is affirmed. The parties shall bear their own costs on appeal.

BLEASE, Acting P.J.

We concur: Nicholson, J.

Morrison, J.

C032398 NOLAN v. SACRAMENTO COUNTY et al. (Not for Publication)

The judgment of the trial court is affirmed. We award costs on appeal to the defendants.

NICHOLSON, J.

We concur: Callahan, J.

Hull, J.

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October 20, 2000

At 9:27 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Scotland, Presiding Justice; Blease, Associate Justice; Kolkey, Associate Justice; and Rios, Bailiff. Calendar called.

C029018 O'BRIEN v. STATE OF CALIFORNIA et al.

Cause called. Jack Vetter argued for appellant. Joan Branin argued for respondents. Cause submitted.

At 10:10 a.m., court recessed. At 10:12 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Morrison, and Associate Justice Callahan.

C032247 HARRINGTON v. SALOMON NORTH AMERICA, INC.

Cause called. Louis A. Basile argued for appellant. Timothy M. Smith argued for respondent. Cause submitted.

At 10:30 a.m., court recessed. At 10:34 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Morrison.

C033727 THE PEOPLE et al. v. UNITED STATES FIDELITY & GUARANTY COMPANY

Cause called. Michael C. Donovan argued for appellants. Cecelia C. Fusich appeared for appellants but did not argue. James G. Driscoll argued for respondent. Cause submitted.

At 11:12 a.m., court adjourned until 9:30 a.m., November 13, 2000.

C033290 THE PEOPLE v. HARO (Not for Publication)

The judgment is modified to impose a \$200 restitution fine suspended pending successful completion of parole (§ 1202.45). As so modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections.

CALLAHAN, J.

We concur: Blease, Acting P.J.

Davis, J.

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October 20, 2000 Continued

C035365 In re VALENCIA E.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. EUNICE J.

(Not for Publication)

The orders denying appellant's section 388 petition and terminating her parental rights are reversed, and the matter is remanded for a new hearing after appellant is provided proper notice consistent with the statutory requirements and due process.

KOLKEY, J.

We concur: Scotland, P.J.

Raye, J.

C031119 THE PEOPLE v. HALL

(Certified for Publication)

The opinion filed herein on September 27, 2000, is to be modified in the following particulars:

. . .

This change does not affect the judgment.

RAYE, Acting P.J.

Morrison, J. Kolkey, J.

C035359 In re CHEYENNE W.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. MICHAEL W. (Not for Publication)

The order terminating appellant's parental rights is affirmed.

RAYE, J.

We concur: Scotland, P.J.

Kolkey, J.

C031842 MACHADO-MILLER v. MERSEREAU & SHANNON, LLP

(Not for Publication)

The judgment is affirmed. Defendant is awarded its costs on appeal.

KOLKEY, J.

We concur: Davis, Acting P.J.

Callahan, J.